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EXAMINER

BAKER, CHARLOTTE M

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2625

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>10/685,276</p>	<p><b>Applicant(s)</b></p> <p>MAJEWICZ, PETER I.</p>	
	<p><b>Examiner</b></p> <p>Charlotte M. Baker</p>	<p><b>Art Unit</b></p> <p>2625</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/13/2004</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it appears to be reciting a portion of claim language and does not follow the prescribed format. Correction is required. See MPEP § 608.01(b).
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities: p. 5, remove "The Patent Office does not allow the use of color figures."

Appropriate correction is required.

### *Claim Objections*

4. Claim 36 objected to because of the following informalities: claim 36 is missing a period at the end of the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. The claimed invention (claims 17-34) is directed to non-statutory subject matter. Attention is drawn to Applicant's Specification p. 12-14 (par. 51) and specifically the definition of what a "computer-readable medium" can be (i.e. electromagnetic media). An electromagnetic carrier signal is considered non-statutory.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-14, 17-30 and 33-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Whiting et al. (6,618,170).

**Regarding claim 1:** The structural elements of apparatus claim 17 perform all of the steps of method claim 1. Thus, claim 1 is rejected for the same reasons discussed in the rejection of claim 17.

**Regarding claim 2:** Whiting et al. satisfy all the elements of claim 1. The structural elements of apparatus claim 18 perform all of the steps of method claim 2. Thus, claim 2 is rejected for the same reasons discussed in the rejection of claim 18.

**Regarding claim 3:** Whiting et al. satisfy all the elements of claim 1. The structural elements of apparatus claim 19 perform all of the steps of method claim 3. Thus, claim 3 is rejected for the same reasons discussed in the rejection of claim 19.

**Regarding claim 4:** Whiting et al. satisfy all the elements of claim 2. The structural elements of apparatus claim 20 perform all of the steps of method claim 4. Thus, claim 4 is rejected for the same reasons discussed in the rejection of claim 20.

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**Regarding claim 5:** The structural elements of apparatus claim 21 perform all of the steps of method claim 5. Thus, claim 5 is rejected for the same reasons discussed in the rejection of claim 21.

**Regarding claim 6:** Whiting et al. satisfy all the elements of claim 5. The structural elements of apparatus claim 22 perform all of the steps of method claim 6. Thus, claim 6 is rejected for the same reasons discussed in the rejection of claim 22.

**Regarding claim 7:** Whiting et al. satisfy all the elements of claim 5. The structural elements of apparatus claim 23 perform all of the steps of method claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 23.

**Regarding claim 8:** Whiting et al. satisfy all the elements of claim 6. The structural elements of apparatus claim 24 perform all of the steps of method claim 8. Thus, claim 8 is rejected for the same reasons discussed in the rejection of claim 24.

**Regarding claim 9:** The structural elements of apparatus claim 25 perform all of the steps of method claim 9. Thus, claim 9 is rejected for the same reasons discussed in the rejection of claim 25.

**Regarding claim 10:** Whiting et al. satisfy all the elements of claim 9. The structural elements of apparatus claim 26 perform all of the steps of method claim 10. Thus, claim 10 is rejected for the same reasons discussed in the rejection of claim 26.

**Regarding claim 11:** Whiting et al. satisfy all the elements of claim 10. The structural elements of apparatus claim 27 perform all of the steps of method claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 27.

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**Regarding claim 12:** The structural elements of apparatus claim 28 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 28.

**Regarding claim 13:** The structural elements of apparatus claim 29 perform all of the steps of method claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 29.

**Regarding claim 14:** Whiting et al. satisfy all the elements of claim 13. The structural elements of apparatus claim 30 perform all of the steps of method claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 30.

**Regarding claim 17:** Whiting et al. disclose rendering a color image (Fig. 2, printer output 24 or display 22); in response to a user selecting an adjustment to a first color in the image (Figs. 3A-3E), making a perceptually uniform adjustment to the first color in the image (col. 4, ln. 23-45 and col. 4, ln. 58 through col. 5, ln. 13); and rendering an adjusted color image reflecting the adjustment made to the first color in the image (col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 18:** Whiting et al. satisfy all the elements of claim 17. Whiting et al. further disclose in response to a user selecting an adjustment to a second color (hue shift) in the adjusted image (Figs. 3A-3E), making a perceptually uniform adjustment to the second color (hue shift) in the adjusted image (col. 4, ln. 23-45 and col. 4, ln. 58 through col. 5, ln. 13); and rendering a second adjusted color image (Fig. 2, printer output 24 or display 22) reflecting the adjustment made to the second color in the adjusted image (col. 4, ln. 23-45 and col. 4, ln. 58 through col. 5, ln. 13).

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**Regarding claim 19:** Whiting et al. satisfy all the elements of claim 17. Whiting et al. further disclose wherein the instructions for rendering a color image comprise instructions for printing the color image (Fig. 2) and rendering an adjusted color image comprises printing the adjusted color image (Fig. 2, printer output 24 or display 22) (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 20:** Whiting et al. satisfy all the elements of claim 18. Whiting et al. further disclose wherein the second color is the same as the first color (hue shift, col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 21:** Whiting et al. disclose rendering a color image (Fig. 2, printer output 24 or display 22); displaying a palette of memory colors appearing in the image (spectrum, col. 4, ln. 23-45); displaying a menu (Fig. 3A, bar 32) of memory color adjustments; in response to a user selecting an adjustment to a first memory color in the image (Figs. 3A-3E), making a perceptually uniform adjustment to the first memory color in the image (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and rendering (Fig. 2, printer output 24 or display 22) an adjusted color image reflecting the adjustment made to the first memory color in the image (Figs. 3A-3E and col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 22:** Whiting et al. satisfy all the elements of claim 21. Whiting et al. further disclose in response to a user selecting an adjustment to a second memory color in the adjusted image (Figs. 3A-3E), making a perceptually uniform adjustment to the second memory color in the adjusted image (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and rendering (Fig. 2, output printer 24 or display 22) a second adjusted color image reflecting the adjustment made

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to the second memory color in the adjusted image (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 26).

**Regarding claim 23:** Whiting et al. satisfy all the elements of claim 21. Whiting et al. further disclose wherein the instructions for rendering a color image comprise instructions for printing the color image (Fig. 2) and rendering an adjusted color image comprises printing the adjusted color image (Fig. 2, printer output 24 or display 22) (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 24:** Whiting et al. satisfy all the elements of claim 22. Whiting et al. further disclose wherein the second color is the same as the first color (hue shift, col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 25:** Whiting et al. disclose rendering a color image (Fig. 2, printer output 24 or display 22); prompting a user to select a first memory color appearing in the image (Figs. 3A-3E); prompting the user to select an adjustment to the selected first memory color (Figs. 3A-3E); in response to a user selecting an adjustment to the selected first memory color, making a perceptually uniform adjustment to the selected first memory color (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and rendering an adjusted color image (Fig. 2, printer output 24 or display 22) reflecting the adjustment made to the selected first memory color (Figs. 3A-3E).

**Regarding claim 26:** Whiting et al. satisfy all the elements of claim 22. Whiting et al. further disclose prompting the user to select a second memory color (Figs. 3A-3E) appearing in the adjusted image; prompting the user to select an adjustment to the selected second memory color (Figs. 3A-3E); in response to the user selecting an adjustment to the selected second



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memory color, making a perceptually uniform adjustment to the selected second memory color (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and rendering a second adjusted color image reflecting the adjustment made to the selected second memory color (Fig. 2, printer output 24 or display 22) (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 27:** Whiting et al. satisfy all the elements of claim 26. Whiting et al. further disclose wherein the second color is the same as the first color (hue shift, col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 28:** Whiting et al. further disclose printing a color image (Fig. 2, printer output 24 or display 22) ; displaying a palette of memory colors appearing in the image (spectrum, col. 4, ln. 23-45); displaying a menu of memory color adjustments (Figs. 3A-3E); in response to a user selecting an adjustment to a memory color in the image, making a perceptually uniform adjustment to the selected memory color (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and printing an adjusted color image reflecting the adjustment made to the selected memory color (Fig. 2, printer output 24 or display 22).

**Regarding claim 29:** Whiting et al. disclose printing a color image (Fig. 2, printer output 24 or display 22); prompting a user to select a memory color appearing in the image (Figs. 3A-3E); prompting the user to select an adjustment to the selected memory color (Figs. 3A-3E); in response to the user selecting a memory color, identifying the selected memory color in a perceptually uniform color modeling space (col. 4, ln. 23-45); in response to the user selecting an adjustment to the selected memory color, adjusting the identified memory color in the perceptually uniform color modeling space (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); transforming the adjusted memory color in the perceptually uniform color modeling space to

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a color in a printer color modeling space (Fig. 2, printer output 24); and printing an adjusted color image reflecting the adjustment made to the selected memory color (Fig. 2, printer output 24).

**Regarding claim 30:** Whiting et al. satisfy all the elements of claim 29. Whiting et al. further disclose instructions for prompting the user to select the color image (Figs. 3A-3E) and wherein printing a color image comprises printing the selected color image (Fig. 2, printer output 24 or display 22).

**Regarding claim 33:** Whiting et al. disclose a color image (Figs. 3A-3E and col. 4, ln. 23-45); a palette of memory colors appearing in the image (Figs. 3A-3E); controls for adjusting a color on the palette (Figs. 3A-3E); and programming for making perceptually uniform adjustments to the color image corresponding to the adjustment controls (Fig. 2, color copier 26 and Figs. 3A-3E).

**Regarding claim 34:** Whiting et al. satisfy all the elements of claim 33. Whiting et al. further disclose rendering the color image (Fig. 2, printer output or display 22); in response to a user selecting a color adjustment from the controls for adjusting a color (Figs. 3A-3E), making a perceptually uniform adjustment to the color image corresponding to the color adjustment; and rendering an adjusted color image (Fig. 2, printer output 24 or display 22) (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 35:** Whiting et al. disclose a print engine (Fig. 2, printer output 24); a user interface (Fig. 2, control panel with image display 22); and a controller operatively coupled to the print engine and the user interface (Fig. 2, controller with default setting 20), the controller having a processor and a memory storing a color image (Fig. 2 and col. 4, ln. 10-22), a palette of

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memory colors appearing in the image (Figs. 3A-3E), controls for adjusting a color on the palette (Figs. 3A-3E), and programming for making perceptually uniform adjustments to the color image corresponding to the adjustment controls (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 36:** Whiting et al. satisfy all the elements of claim 35. Whiting et al. further disclose printing the color image (Fig. 2, printer output 24 or display 22); in response to a user selecting a color adjustment from the controls for adjusting a color (Figs. 3A-3E), making a perceptually uniform adjustment to the color image corresponding to the color adjustment (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and printing an adjusted color image (Fig. 2, printer output 24 or display 22).

**Regarding claim 37:** Whiting et al. satisfy all the elements of claim 36. Whiting et al. further disclose wherein the controller memory (Fig. 2, controller 20) stores programming for displaying the palette of memory colors on the user interface (Figs. 3A-3E) and displaying the controls for adjusting a color on the user interface (Fig. 2, control panel with image display 22) (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 38:** Whiting et al. disclose a computer having a processor and a memory storing a color image (Fig. 2, color copier 26), a palette of memory colors appearing in the image and controls for adjusting a color on the palette (Figs. 3A-3E); and a printer operatively coupled to the computer (Fig. 2, printer output 24), the printer comprising a print engine and a controller operatively coupled to the print engine (Fig. 2), the controller (Fig. 2, controller 20) having a processor and a memory storing programming for making perceptually uniform adjustments to

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the color image corresponding to the adjustment controls on the computer (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13).

**Regarding claim 39:** Whiting et al. disclose a means for rendering a color image (Fig. 2, printer output or display 22); a means for, in response to a user selecting an adjustment to a color in the image (Fig. 2, control panel with image display 22), making a perceptually uniform adjustment to the color in the image (Figs. 3A-3E); and a means for rendering an adjusted color image reflecting the adjustment made to the color in the image (Fig. 2, printer output 24 or display 22).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 15-16 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting et al. in view of Falk et al. (US 2004/0119992 A1).

**Regarding claim 15:** The structural elements of apparatus claim 31 perform all of the steps of method claim 15. Thus, claim 15 is rejected for the same reasons discussed in the rejection of claim 31.

**Regarding claim 16:** Whiting et al. in view of Falk et al. satisfy all the elements of claim 15. The structural elements of apparatus claim 32 perform all of the steps of method claim 16. Thus, claim 16 is rejected for the same reasons discussed in the rejection of claim 32.

11.

**Regarding claim 31:** Whiting et al. disclose storing a color image in an RGB color modeling space )copied document); printing the color image (Fig. 2, printer output 24 or display 22); prompting a user to select a memory color appearing in the image (Figs. 3A-3E); prompting the user to select an adjustment to the selected memory color (Figs. 3A-3E); in response to the user selecting a memory color; in response to the user selecting an adjustment to the memory color (col. 4, ln. 23- 45 and col. 4, ln. 58 through col. 5, ln. 13); and printing an adjusted color image (Fig. 2, printer output or display 22).

Whiting et al fail to specifically address transforming an RGB model color value; representing the selected memory color to a CEILab model color value; adjusting the CIELab model color value; transforming the adjusted CIELab model color value to a CMYK model color value; based on the CMYK model color value.

Falk et al. disclose transforming an RGB model color value; representing the selected memory color to a CEILab model color value (Fig. 3, convert to device-independent color space 14); adjusting the CIELab model color value (Fig. 3, perform color processing 16); transforming the adjusted CIELab model color value to a CMYK model color value (Fig. 3, convert to device-dependent color space 18); based on the CMYK model color value (Fig. 3, output (CMYK)).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include transforming an RGB model color value; representing the selected memory color to a CEILab model color value; adjusting the CIELab model color value; transforming the adjusted CIELab model color value to a CMYK model color value; based on the CMYK model color value in order to assure similar visual appearances between the input and output images.

**Regarding claim 32:** Whiting et al. in view of Falk et al. satisfy all the elements of claim 31.

Whiting et al. fail to specifically address instructions for, after transforming the CIELab model color value to a CMYK model color value, smoothing a discontinuity in an LUT of CMYK color values associated with the transformation of the adjusted CIELab model color value to the CMYK model color value.

Falk et al. disclose instructions for, after transforming the CIELab model color value to a CMYK model color value (Fig. 3, convert to device-dependent color space 18), smoothing a discontinuity in an LUT of CMYK color values associated with the transformation of the adjusted CIELab model color value to the CMYK model color value (Fig. 3, convert to device-dependent color space 18) (par. 29).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moro (US 2004/0042019 A1); Pop (US 2003/0098986 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CMB



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PRIMARY PATENT EXAMINER